

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: MIKE SABRI DANIEL) **Case No. 08-32942-DOT**
)
 Chapter
and)
)
NATALY NAJIB DANIEL)
)
)
Debtors.)

**TRUSTEE'S MOTION TO EXTEND TIME TO OBJECT
TO THE GRANTING OF THE DEBTORS' DISCHARGE
AND TO EXTEND TIME TO FILE A COMPLAINT
OBJECTING TO DISCHARGE AND NOTICE THEREOF**

Roy M. Terry, Jr., Chapter 7 Trustee for the bankruptcy estate of Mike Sabri Daniel and Nataly Najib Daniel (collectively, the “Debtors”) hereby requests this Court, to defer the granting of a discharge to the Debtors and extend the time to file a complaint objecting to the discharge to and including December 12, 2010 pursuant to Rules 4002 and 4004 of the Federal Rules of Bankruptcy Procedure, and in support thereof, states as follows:

1. On June 26, 2008 (the “Petition Date”), the Debtors filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.
2. On July 1, 2010 the case was converted to a Chapter 7 bankruptcy.
3. Roy M. Terry, Jr. was appointed as Interim Chapter 7 Trustee and continues to serve in that capacity.
4. The § 341 meeting of creditors (the “341 Meeting”) was held on August 10, 2010, adjourned to September 20, 2010 and has been adjourned again until October 26, 2010.

Roy M. Terry, Jr., VSB No. 17764
DurretteBradshaw PLC
P.O. Box 2188
Richmond, VA 23218-2188
Chapter 7 Trustee

5. The Trustee has requested copies of bank statements as of the Petition Date for all accounts open on the Petition Date.

6. The Debtors have refused to provide the Trustee with the requested documents.

7. The Trustee requires the bank statements in order to effectively carry out his duties in this case.

8. The current date by which parties must object to the granting of the Debtors' discharge and file a complaint objecting to the Debtors' discharge is October 12, 2010.

9. The Trustee requests that the Debtors' discharge be deferred and the time to object to the Debtors' discharge be extended through and until December 12, 2010 to allow the Trustee time to receive and review the bank statements.

10. Pursuant to Local Rule 9013-1(G), and because there are no novel issues of law presented, the Trustee requests that the requirement that all motions be accompanied by a written memorandum be waived.

WHEREFORE, Roy M. Terry, Jr., Trustee, hereby requests this Court to enter the Consent Order, attached hereto as Exhibit A to defer the Debtors' discharge and the time to object to the Debtors' discharge be extended through and until December 12, 2010, and award any further relief the Court deems proper.

Respectfully submitted, this the 7th day of October, 2010.

/s/ Roy M. Terry, Jr.

Roy M. Terry, Jr., VSB No. 17764
DurretteBradshaw PLC
P.O. Box 2188
Richmond, VA 23218-2188
Chapter 7 Trustee

Certificate of Service

I hereby certify that on the 7th day of October, 2010, a true copy of the foregoing Motion was delivered by electronic means and/or mailed first class mail, postage fully prepaid, to the following:

Mike Sabri Daniel &
Nataly Najib Daniel
9532 Pine Trails Ct.
Richmond, VA 23294

Mitchell Goldstein
Krumbein Consumer Legal Services, Inc.
1650 Willow Lawn Drive
Suite 300
Richmond, VA 23230
Counsel to the Debtor

Robert B. Van Arsdale
Office of the United States Trustee
701 E. Broad Street, Room 4304
Richmond, VA 23219

/s/ Roy M. Terry, Jr.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: MIKE SABRI DANIEL) Case No. 08-32942-DOT
) Chapter
)
and)
)
NATALY NAJIB DANIEL)
)
)

Debtors.)

**ORDER EXTENDING TIME TO OBJECT TO THE
GRANTING OF THE DEBTORS' DISCHARGE AND TO EXTEND
TIME TO FILE A COMPLAINT OBJECTING TO DISCHARGE**

This matter came before the Court upon Roy M. Terry, Jr., Trustee's Motion To Extend Time To Object To The Granting Of The Debtors' Discharge And To Extend Time To File A Complaint Objecting To Discharge (the "Motion"). The Court having reviewed the Motion, and the Court being fully advised in the premises and having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and no objections having been received;

THE COURT HEREBY FINDS THAT:

- A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
- B. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
- C. Notice of the Motion (and service of the proposed order) was sufficient under the circumstances.
- D. The Motion is in full compliance with all applicable provisions of the Bankruptcy Code, the Bankruptcy Rules and the Local Rules of this Court.

IT IS HEREBY ORDERED THAT:

Roy M. Terry, Jr., VSB No. 17764
DurretteBradshaw PLC
P.O. Box 2188
Richmond, VA 23218-2188
Chapter 7 Trustee

1. The Motion is hereby GRANTED.
2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Application.
3. The time to object to the granting of the discharge and the time to file a complaint objecting to the Debtors' discharge is extended to and including December 12, 2010.
4. Upon entry the Clerk shall serve copies of this Order on all parties listed on the Service List attached hereto.

Entered:

CHIEF UNITED STATES BANKRUPTCY JUDGE

I ask for this:

/s/ Roy M. Terry, Jr.
Roy M. Terry, Jr. VSB No. 17764
DurretteBradshaw PLC
P.O. Box 2188
Richmond, Virginia 23218
Telephone: (804) 775-6900
Chapter 7 Trustee

Local Rule 9022-1 Certification

I hereby certify that a copy of the foregoing proposed order has been endorsed by all necessary parties.

/s/ Roy M. Terry, Jr.

PARTIES TO BE SERVED COPIES:

Mike & Nataly Daniel
9532 Pine Trails Court
Richmond, VA 23294

Mitchell Goldstein, Esq.
Krumbein Consumer Legal Services, Inc.
1650 Willow Lawn Drive, Suite 300
Richmond, VA 23230

Robert B. Van Arsdale, Esquire
Office of the United States Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219

Roy M. Terry, Jr., Esquire
Chapter 7 Trustee
P. O. Box 2188
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